

October 19, 2004

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

|          |                  |                          |
|----------|------------------|--------------------------|
| Present: | Tom Boyajian     | Councilmember            |
|          | Brian Calhoun    | Councilmember            |
|          | Mike Dages       | Councilmember            |
|          | Jerry Duncan     | Councilmember            |
|          | Henry Perea      | Acting Council President |
|          | Cynthia Sterling | Councilmember            |
|          | Brad Castillo    | Council President        |

Andy Souza, Assistant City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor Bill Wolverton, Tower Community Four Square Church, gave the invocation, and President Castillo led the Pledge of Allegiance.

## PROCLAMATION OF "DOMESTIC VIOLENCE AWARENESS MONTH"

## PROCLAMATION OF "STUDENTS AGAINST VIOLENCE EVERYWHERE (S.A.V.E.) WEEK"

The above proclamations were read and presented.

## PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES FOR THE FALL QUARTER

Certificates of Appreciation were presented to Erika Leyva, Mayor/Council/City Manager/City Clerk Departments; Steve Witte, Airports; Carolyn Romanazzi, Finance; Darla Scott, Randi Eisner and Howard Eastom, Fire Department; Maria Rocha, Linda McCloud and Herb Chavez, Fresno Area Express; Lynn Fanchi and Al Rodriguez, General Services; Kari Alverson and Manny Orozco, Information Services; Sandy Juarez, Doug Rogers and Lyn Myers, Parks, Recreation & Community Services; Sally Schneider and Carrie Todd, Personnel; Eva Flores and Olga Grinko, Planning & Development; Sylvia Echeverria, Henry Sugahara, Steve Viveros and Diane Escareno, Police Department; Russell Sunderland, Joe Mayberry, Carole Bryson, Patricia Bermudez and Steve Hurtado, Public Utilities; and Elizabeth Ponce and Jacque Babbitt, Public Works. A reception was held immediately following to honor the employees.

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APPROVE MINUTES OF OCTOBER 5, 2004

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of October 5, 2004, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

COMMENDATION TO COUNCILMEMBER STERLING ON HER BEING NAMED ONE THE OF "TOP TEN PROFESSIONAL BUSINESSWOMEN OF THE YEAR" - COUNCILMEMBER DUNCAN

Commendation made.

GOVERNOR SCHWARZENEGGER'S CALL FOR NOMINEES FOR THE SAN JOAQUIN RIVER CONSERVATION BOARD - COUNCILMEMBER CALHOUN

Announcement made with Councilmember Calhoun advising the deadline for submitting the nominations (at least three) was December 31<sup>st</sup> and the Governor's office would be making the final selection.

NEED TO DELETE DAN FITZPATRICK'S NAME FROM REDEVELOPMENT AGENCY AGENDA LETTERHEAD - COUNCILMEMBER CALHOUN

Reminder made.

COLLECTION OF VARIOUS DEFICIENT ACCOUNTS - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated he would be scheduling the issue on an upcoming agenda to discuss whether the city should be more aggressive in their collection efforts **(2 - 0)** and by Council consensus the matter was scheduled for November 9<sup>th</sup> at 11:00 a.m.

SUCCESS OF THE BIG FRESNO FAIR AND COMMENDATION TO POLICE DEPARTMENT FOR THEIR INTEGRAL PART IN THE OVERALL SUCCESS - COUNCILMEMBER DAGES

Commendation made.

CONCERNS WITH AND REQUEST FOR ACTION ON (1) LACK OF MEDIAN ISLAND LANDSCAPING MAINTENANCE ON KINGS CANYON AND CITY-WIDE, (2) DEAD PLANTS LEFT ON SITE AFTER CLEAN-UP ON CHURCH AND CLOVIS AVENUES, AND (3) LIGHTING ISSUE AT PACIFIC UNIVERSITY AND NEED TO REPLACE THE NINE (9) LIGHTS THAT ARE OUT THAT WERE REPORTED BACK IN APRIL - COUNCILMEMBER DAGES

Requests made/concerns expressed with Assistant City Manager Souza responding.

FINANCE DIRECTOR QUINTO NAMED ONE OF THE TOP TEN BUSINESSWOMEN OF THE YEAR - COUNCILMEMBER STERLING

Councilmember Sterling thanked Council for their acknowledgment on her being named and added Ms. Quinto was also named and stated she was in good company and the city was in good hands.

TOUR OF THE SANTA FE DEPOT - COUNCILMEMBER STERLING

Councilmember Sterling stated she and her staff joined the Hostel Society in touring the historic depot, advised the hostel group was looking for property to be used as a hostel here in Fresno which they would lease and bring in revenues and tourism opportunities, and commended Reyman Brothers Construction and John Elam of public works on the depot project

**RECESS - 9:26 A.M. - 9:34 A.M.**

The City Council took a brief recess to attend the reception honoring the PRIDE Team.

ZOO PRESS CONFERENCE TODAY AT 1:00 P.M. AT THE ZOO - ASSISTANT CITY MANAGER SOUZA

Mr. Souza encouraged Council to attend the press conference and upon question clarified it was being held to address open/technical issues that have been "bouncing around" and to provide information relating specifically to the zoo with or without Measure Z. President Castillo requested the expansion issue be addressed to dispel rumors by opponents of Measure Z that Council has approved taking more park property for the zoo.

EIGHTH STREET PROJECT - PRESIDENT CASTILLO

President Castillo thanked public works for the project, advised some very creative concrete work was being done to save a lot of trees, and added he looked forward to addressing the issue next Tuesday.

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**APPROVE AGENDA:**

**(3:00 P.M. #2)** CONTINUED HEARING ON REZONE APPLICATION NO. R-04-20, CONDITIONAL USE PERMIT APPLICATION NO. C-03-89, AND ENVIRONMENTAL FINDINGS, FILED BY LOGAN AND ASSOCIATES ON BEHALF OF SPALDING WATHEN, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF W. ASHLAN AVENUE AND PARKWAY DRIVE IN DISTRICT 1

*(CONTINUE TO 10/26/04 AT (9:30 A.M.) 3:45 P.M.)*

City Clerk Klisch advised the above hearing was being continued to October 26<sup>th</sup> at 3:45 p.m. *instead of 9:30 a.m.* So Noted.

**(3:00 P.M. #3)** CONTINUED HEARING ON PLAN AMENDMENT NO. A-03-17, INITIATED BY THE PLANNING AND DEVELOPMENT DIRECTOR UPON REQUEST BY DISTRICT 5 COUNCILMEMBER DAGES, RELATING TO AMENDMENTS TO ROOSEVELT COMMUNITY PLAN POLICY NOS. 1-17.1 AND 17.3 (PROPERTY LOCATED IN DISTRICTS 3, 4, 5 AND 7)

*(REQUEST TO CONTINUE TO NOVEMBER 9, 2004, AT 3:30 P.M.)*

Continued as requested.

**(3:15 P.M. "A")** JOINT MEETING WITH THE REDEVELOPMENT AGENCY - APPROVE RESPONSES TO THE 2003-2004 GRAND JURY REPORT

1. APPROVE CITY RESPONSES
2. APPROVE REDEVELOPMENT AGENCY RESPONSES

City Clerk Klisch advised of a correction in that #1 should have been titled "Approve the Agency Committee's Responses" and added the committee's material should have been first but was placed behind other material included in the packet.

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

|          |   |
|----------|---|
| Ayes :   | Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo |
| Noes :   | None  |
| Absent : | None  |

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**ADOPT CONSENT CALENDAR:**

Gloria Torrez stated consent calendar items were not routine and needed to be discussed and voted upon separately; relative to Item **1-C** expressed concern that riders can not afford to purchase full bus passes at the beginning of the month especially when public employees are given free rides; relative to item **1-F** stated she supported the ultra low diesel fuel as long as everyone who uses it pays their fair share; relative to **1-G** and **1-H** stated FAX needed to get involved in obtaining grants for the general public so bus riders could ride free; and relative to item **1-M** stated bus riders should ride free as they are not adding to the air pollution problem but helping it.

Barbara Hunt, 2475 S. Walnut, spoke to the Redevelopment Agency by-laws and agency debt.

**\*\*A** visiting citizenship class from Central Unified Adult School was recognized and welcomed.

Relative to Item **1-M** Councilmember Duncan advised he had a sticker for a LEV and he would be abstaining in the vote., and Councilmember Calhoun pulled the item for discussion.

**(1-A)** APPROVE THE SALE OF 8,100 SQUARE FEET OF N. HOWARD STREET AT E. WASHINGTON AVENUE TO THE FRESNO UNIFIED SCHOOL DISTRICT FOR \$16,200; AND AUTHORIZE THE INTERIM PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS REQUIRED TO COMPLETE THE TRANSACTION ON BEHALF OF THE CITY

**(1-B)** APPROVE AN AGREEMENT WITH THE INTERNAL REVENUE SERVICE (IRS) TO PROVIDE MONTHLY PARKING FOR IRS EMPLOYEES IN PARKING GARAGE #7 AND THE BOX CAR LOT, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO SIGN THE PARKING AGREEMENT AND EXTENSIONS THROUGH SEPTEMBER 30, 2008

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**(1-C) RESOLUTION NO. 2004-372** - 421<sup>ST</sup> AMENDMENT TO MFS RES. 80-420 TO INCLUDE A HALF PRICE DISCOUNT FOR MONTHLY TRANSIT CONVENIENCE PASSES BEING SOLD BEGINNING ON THE 15<sup>TH</sup> OF EACH MONTH

**(1-D) RESOLUTION NO. 2004-373** - AUTHORIZING THE POLICE CHIEF TO ENTER INTO AN AGREEMENT WITH THE CALIFORNIA HIGHWAY PATROL FOR THE CALIFORNIA OFFICE OF TRAFFIC SAFETY CHP's DUI COLLEGE CORRIDOR GRANT PROJECT

**1. RESOLUTION NO. 2004-374** - 32<sup>ND</sup> AMENDMENT TO AAR 2004-209 APPROPRIATING \$20,000 IN GRANT FUNDS FROM THE CHP FOR THE DUI COLLEGE CORRIDOR PROJECT

**(1-E) RESOLUTION NO. 2004-375** - 13<sup>TH</sup> AMENDMENT TO AAR 2004-209 APPROPRIATING \$492,000 IN GRANT FUNDS FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) TO FUND EQUIPMENT FOR TERRORIST FIRST RESPONDERS, TERRORISM PREVENTION AND THE CITIZENS CORPS PROGRAM

**(1-F)** AWARD A REQUIREMENTS CONTRACT IN THE AMOUNT OF \$3,393,074 TO SOUTHERN COUNTIES OIL COMPANY OF ORANGE, CA, FOR ULTRA LOW SULFUR DIESEL FUEL USED BY THE FLEET MANAGEMENT DIVISION AND FRESNO AREA EXPRESS TO FUEL DIESEL POWERED TRUCKS, BUSES AND OTHER EQUIPMENT

**(1-G) RESOLUTION NO. 2004-376** - AUTHORIZING APPLICATION FOR GRANT FUNDING FROM THE CALIFORNIA PARKS AND RECREATION DEPARTMENT UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS AND COASTAL PROTECTION ACT OF 2002, STATE URBAN PARKS AND HEALTHY COMMUNITIES PROGRAM, FOR THE CONSTRUCTION OF A BIKE/BMX FREESTYLE PARK AT MOSQUEDA COMMUNITY CENTER, AND AUTHORIZE THE PR&CS DIRECTOR OR DESIGNEE TO EXECUTE AND SUBMIT ALL DOCUMENTS WHICH MAY BE NECESSARY FOR THE PURPOSE OF SECURING THE GRANT FUNDS AND IMPLEMENT AND CARRY OUT THE PURPOSE SPECIFIED IN THE APPLICATION, ALL SUBJECT TO PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY'S OFFICE

**(1-H) RESOLUTION NO. 2004-377** - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE CALIFORNIA PARKS AND RECREATION DEPARTMENT UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002, YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM, FOR THE ENHANCEMENT OF VICTORIA WEST COMMUNITY PARK AT CLINTON AND BRAWLEY AVENUES, AND AUTHORIZE THE PR&CS DIRECTOR OR DESIGNEE TO EXECUTE AND SUBMIT ALL DOCUMENTS WHICH MAY BE NECESSARY FOR THE PURPOSE OF SECURING THE GRANT FUNDS AND IMPLEMENT AND CARRY OUT THE PURPOSE SPECIFIED IN THE APPLICATION, ALL SUBJECT TO PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY'S OFFICE

**(1-I)** CONSIDER THE PROPOSED SHIELDS-CORNELIA NO. 2F REORGANIZATION AND APPROVAL TO FILE WITH LAFCO FOR THE DETACHMENT OF CERTAIN TERRITORY FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE SAME TERRITORY TO THE CITY OF FRESNO (PROPERTY LOCATED IN DISTRICT 1)

**1.** AFFIRMING THE ACTION OF THE CITY COUNCIL OF FEBRUARY 10, 2004, ADOPTING THE ENVIRONMENTAL FINDING OF ENVIRONMENTAL ASSESSMENT NO. R-03-28/T-4544, DATED JULY 29, 2003, THAT THE PROJECT PROPOSAL CONFORMS TO THE PROVISIONS OF THE 2025 FRESNO GENERAL PLAN MASTER EIR

**2. RESOLUTION NO. 2004-378** - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED SHIELDS-CORNELIA NO. 2F REORGANIZATION

**(1-J)** AUTHORIZE THE FIRE CHIEF TO ENTER INTO A FIVE YEAR CONTRACT, SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY'S OFFICE, WITH EMERGENCY REPORTING, INC., FOR THE PURPOSE OF HOSTING THE NATIONAL FIRE INCIDENT REPORTING SYSTEM (NFIRS), AT A CONTRACT PRICE OF \$21,384 PER YEAR FOR A FIVE YEAR TOTAL COST OF \$106,920

**(1-K)** APPROVE THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 FIRE MANAGEMENT (UNIT 10), TO BE ATTACHED TO THE CURRENT MEMORANDUM OF UNDERSTANDING (MOU)

**(1-L)** APPROVE APPOINTMENTS OF LORI CHERRY AND ROJELIO (ROY) VASQUEZ TO THE PLANNING COMMISSION - MAYOR AUTRY

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**(1-N) BILL NO. B-106 - BILL FOR INTRODUCTION AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE MAINTENANCE AND SECURITY OF VACANT BUILDINGS WITHIN THE CITY OF FRESNO**

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
 Noes : None  
 Absent : None

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**(9:30 A.M. #1) PUBLIC COMMENT:**

**(A) SCHEDULED PUBLIC COMMENT - APPEARANCE BY GARY DENNIS TO INTRODUCE AND REQUEST COUNCIL SUPPORT OF THE CALIFORNIA HIV AIDS ADVOCACY NETWORK GRASSROOTS EVOLUTION (CHAANGE) OF THE SAN JOAQUIN VALLEY ORGANIZATION**

Appearance made by Mr. Dennis and Shari Palmer, CHAANGE member and women's health care advocate who requested Council's assistance in their outreach efforts for treatment and information, brief discussion ensued on service currently available, and staff was requested to assist and direct Mr. Dennis and Ms. Palmer to the social service process for possible funding.

**(B) UNSCHEDULED COMMUNICATIONS:**

**APPEARANCE BY BARBARA HUNT REGARDING ILLEGALITY OF THE REDEVELOPMENT AGENCY AND NEED FOR CITY TO TAKE CONTROL OF AGENCY PROJECTS**

Appearance made.

**APPEARANCE BY GLORIA TORREZ REGARDING THE NOVEMBER ELECTION AND ENCOURAGING WOMEN, MINORITIES, THE POOR, AND BUS RIDERS TO VOTE**

Appearance made.

**REQUEST FOR STATUS ON THE EXCLUSIVE AGREEMENT FOR CHINATOWN PROJECT - COUNCILMEMBER DAGES**

Request made with City Attorney Montoy and Councilmember Sterling responding and advising the matter was anticipated to be brought forth next month.

**REQUEST FOR STATUS/UPDATE ON FANCHER CREEK - ACTING PRESIDENT PEREA**

Request made.

**REQUEST FOR STATUS/UPDATE ON THE ARMENIAN TOWN PROJECT - PRESIDENT CASTILLO**

Request made with Councilmember/Agency Chair Boyajian advising the matter was scheduled for October 26<sup>th</sup> and was listed on the agenda hearing schedule.

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**(9:30 A.M. #2) DISCUSSION AND DIRECTION REGARDING THE STATUS OF ALTERNATE FUNDING MECHANISMS FOR THE INSTALLATION OF WATER METERS - PRESIDENT CASTILLO**

President Castillo spoke to the background of the issue and the state mandate for water meters and presented questions at length relative to what staff has done, if federal/state funding was available, if the federal dollars were not specifically for metering, if any grants had

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been located, if the city will have to compete for Cal-Fed dollars when they become available, if staff has contacted the federal lobbyists, and if there was anything in the legislation that would prohibit the city from raising water rates for outside entities to offset meter installation costs, with Public Utilities Director McIntyre and City Attorney Montoy responding. President Castillo made a motion to direct the city attorney to report back in 45 days on ability to charge higher water rates for entities outside of the city, which motion was seconded by Councilmember Sterling and later acted upon.

Barbara Hunt, 2475 S. Walnut, spoke to the issue **(3 - 0)**.

Councilmember Sterling noted she attended a Lion's Club luncheon wherein questions were raised and stated she looked forward to obtaining the report and information so she can respond in the future. Mr. McIntyre stated he and his staff were available to attend any district meetings/small work groups to provide information if necessary.

Councilmember Duncan spoke in opposition to the motion stating it was a microscopic piece of a large puzzle and presented questions relative to the time frame for financing and installation and when the department will start devising an actual plan, with Mr. McIntyre responding. Councilmember Duncan stated an overview of staff's plan would be good so council can answer the public's questions but he was opposed to council starting to micro-manage little details of a comprehensive policy and implementation plan by asking the city attorney to provide a report in 45 days on "one little question", and encouraged Council to oppose the motion and reiterated he preferred that staff provide in tray memo form an overall view of the time schedule and what staff sees happening. Councilmember Calhoun concurred with Councilmember Duncan that the city attorney had a lot on her plate, stated this one little issue would confuse the public and stated the public was much more interested in how this will affect them and when something will be installed, etc., and stated although this was well-intentioned he encouraged this motion be defeated and added he supported staff providing information on a master plan in a regular fashion. President Castillo stated anyone who feels the city can wait until 2008 to start making decisions was grossly mistaken emphasizing nay-sayers of water meters were already out there spreading propaganda against water meters and people were asking real questions, and added for anyone to say this is premature or that the city attorney had better things to do was mistaken.

President Castillo and Mr. McIntyre responded to questions of Councilmember Boyajian relative to whether the alternative funding mechanisms were intended to help individuals who can not afford the installation, what year state law goes into effect and when the city has to be fully metered, and if this item/motion was needed/if staff was already on this path/looking at steps to fund the retrofit meter program. President Castillo spoke to the city's entitlement to Kings River water and the money being charged to taxpayers for water not being used, with Mr. McIntyre responding to questions and clarifying issues.

A motion of President Castillo, seconded by Councilmember Sterling, to direct the city attorney to report back in 45 days on the city's ability to charge higher water rates for entities outside of the city failed, by the following vote:

|          |                                  |
|----------|----------------------------------|
| Ayes :   | Perea, Sterling, Castillo        |
| Noes :   | Boyajian, Calhoun, Dages, Duncan |
| Absent : | None                             |

President Castillo noted the zoo press conference scheduled for today was to try to dispel the notion that Roeding Park was going to be destroyed and stressed this item that was just defeated was no different as there was a lot of mis-information out there and added the public was being told to wait until 2008 for answers when "it is crammed down their throats."

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**(9:40 A.M.) BILL NO. B-104 - ORDINANCE NO. 2004-105 - REPEALING ARTICLE 2 OF CHAPTER 6 AND ADDING ARTICLE 2 TO CHAPTER 6 TO THE FRESNO MUNICIPAL CODE RELATING TO CABLE COMMUNICATIONS SYSTEMS**

**1. RESOLUTION NO. 2004-379 - GRANTING AN EXTENSION OF THE NON-EXCLUSIVE CABLE TELEVISION FRANCHISE HELD BY COMCAST OF FRESNO, INC**

Councilmember Duncan advised he had a personal stock conflict of interest and recused himself from the proceedings and left

the meeting at 10:34 a.m.

Cable Franchise Renewal Working Group Chair Lynch gave a brief overview of the issue and the discussions took place with Comcast on their legal concerns with hypothetical situations, and stated he felt the ordinance and resolution were ready for passage.

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Speaking to the issue were: Kristine Walter, Comcast, who stated Comcast still had some reservations but the resolution gave them some comfort in their ability to go forward and negotiate in good faith (and referenced their letter sent to staff and Council), and thanked Deputy City Attorney Coyle for all his help; Barbara Hunt, 2475 S. Walnut, who spoke in support of the issue; and Gloria Torrez who spoke in support of Comcast stating they honor people's First Amendment Rights. President Castillo briefly left the meeting at 10:38 a.m.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Bill No. B-104 adopted as Ordinance No. 2004-105, and the above entitled Resolution No. 2004-379 hereby adopted, by the following vote:

|           |   |
|-----------|---|
| Ayes :    | Boyajian, Calhoun, Dages, Perea, Sterling |
| Noes :    | None                                      |
| Absent :  | Castillo                                  |
| Recused : | Duncan                                    |

President Castillo and Councilmember Duncan returned to the meeting at 10:39 a.m.

President Castillo stated he had to step out and wanted to be registered as a "Yes" vote and called for another vote.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Bill No. B-104 adopted as Ordinance No. 2004-105, and the above entitled Resolution No. 2004-379 hereby adopted, by the following vote:

|           |   |
|-----------|---|
| Ayes :    | Boyajian, Calhoun, Dages, Perea, Sterling, Castillo |
| Noes :    | None  |
| Absent :  | None  |
| Recused : | Duncan  |

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**(10:00 A.M.) HEARING ON REZONE APPLICATION NO. R-04-13, AND ENVIRONMENTAL FINDINGS, FILED BY YAMABE AND HORN ON BEHALF OF JEFFREY WALL, PROPERTY LOCATED ON THE EAST SIDE OF N. BRAWLEY AVENUE BETWEEN W. CLINTON AND W. PRINCETON AVENUES**

**1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT (E.A.) NO. R-04-13/T-5285, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR**

**2. BILL NO. B-107 - ORDINANCE NO. 2004-106 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AL-20 TO R-1.UGM**

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planning Manager Unruh reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: a Yamabe and Horn representative who stated he concurred with staff's recommendations; and Barbara Hunt, 2475 S. Walnut, who spoke to boundary issues and in support of the project.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding of E.A. No. R-04-13/T-5285, dated July 27, 2004, that the project conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved; and the above entitled Bill No. B-107 rezoning the subject property adopted as Ordinance No. 2004-106, by the following vote:

|        |   |
|--------|---|
| Ayes : | Calhoun, Dages, Duncan, Perea, Sterling, Castillo |
| Noes : | Boyajian  |

Absent : None

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**(10:05 A.M.)** HEARING ON REZONE APPLICATION NO. R-04-49, AND ENVIRONMENTAL FINDINGS, FILED BY HUNG NGUYEN, PROPERTY LOCATED ON THE NORTHWEST CORNER OF E. OLIVE AVENUE AND N. ANGUS STREET IN COUNCIL DISTRICT 7

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- 1.** CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT (E.A.) NO. R-04-49, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR
- 2. BILL NO. B-108 - ORDINANCE NO. 2004-107** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM C-P TO C-6

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planning Manager Unruh reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Mr. Unruh responded briefly to questions of Acting President Perea relative to the proposed use. Acting President Perea made a motion to approve staff's recommendation and advised he received only one phone call which was directed to and addressed by staff.

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the environmental finding of E.A. No. R-04-49, dated June 30, 2004, that the project conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-108 rezoning the subject property adopted as Ordinance No. 2004-107, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
Noes : None  
Absent : None

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**(10:45 A.M.)** TEFRA HEARING AS REQUIRED BY THE INTERNAL REVENUE CODE TO HEAR AND CONSIDER INFORMATION CONCERNING THE PROPOSED ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF HEALTH CARE FACILITIES OWNED AND OPERATED BY SAINT AGNES MEDICAL CENTER (TRINITY HEALTH CREDIT GROUP), AND CERTAIN OTHER MATTERS RELATED THERETO

**1. RESOLUTION NO. 2004-380** - APPROVING THE ISSUANCE OF CSCDA QUALIFIED 501 ( c )(3) REVENUE BONDS (TRINITY HEALTH CREDIT GROUP), SERIES 2004A, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,000,00

President Castillo announced the time had arrived to consider the issue and opened the hearing. City Attorney Montoy advised she was recusing herself from the proceedings as she was on the Board of Directors of St. Agnes Medical Center and left the meeting at 10:47 a.m., with Chief Assistant City Attorney Sanchez presiding.

An unidentified staff member reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Duncan spoke in support of the issue stating he was very proud of St. Agnes and the outstanding medical care they provide to the community and made a motion to approve staff's recommendation.

On motion of Councilmember Duncan, seconded by President Castillo, duly carried, **RESOLVED**, the above entitled Resolution



No. 2004-380 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
 Noes : None  
 Absent : None

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**(3-A) RESOLUTION NO. 2004-381 - SUPPORTING MEASURE "B", THE FRESNO COUNTY PUBLIC LIBRARY TRANSACTION AND USE TAX ORDINANCE - PRESIDENT CASTILLO**

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President Castillo gave a brief overview of the issue and spoke to the need for, and importance of, extending the tax.

On motion of President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2004-381 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
 Noes : None  
 Absent : None

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**(3-B) REQUEST THE CITY MANAGER TO DIRECT STAFF TO COOPERATE WITH THE HOUSING AUTHORITY TO IMMEDIATELY CONVERT THE \$400,000 RENTAL REHABILITATION CONTRACT TO A SENIOR REHABILITATION PROGRAM - COUNCILMEMBER BOYAJIAN**

Councilmember Boyajian advised the matter was now moving forward and there was good cooperation between the city and the Housing Authority and removed the item from the agenda.

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President Castillo reminded Council to attend the press conference at 1:00 p.m. at the Zoo entrance to dispel rumors.

**LUNCH RECESS - 11:00 A.M. - 2:00 P.M.**

**(2:00 P.M. #1) CLOSED SESSION:**

**(A) THREAT TO PUBLIC SERVICES OR FACILITIES - CONSULTATION WITH THE POLICE DEPARTMENT, POLICE CHIEF DYER**

**(B) CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION - CASE NAME: COF V. CLIFFORD TUTELIAN, ET AL., SUPERIOR COURT CASE NO. 03 CE CG 02180 DSB**

**(C) CONFERENCE WITH LEGAL COUNSEL/ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION: SBC PACIFIC BELL V. COF, ET AL.**

**(D) CONFERENCE WITH LEGAL COUNSEL/FRIEND-OF-THE-COURT PARTICIPATION: NATURAL RESOURCES DEFENSE COUNCIL V. PATTERSON (EASTERN DISTRICT CA, CIV S-99-1658 LKK)**

**(E) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLES: CITY CLERK AND CITY ATTORNEY**

The City Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above matters and reconvened in regular open session at 4:52 p.m.

**CLOSED SESSION ANNOUNCEMENT(S):**

City Attorney Montoy announced in the matter of Item D, the Council determined to participate in an amicus on a vote of 6-1 with Acting President Perea abstaining and advised what was authorized by Council.

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**(2:30 P.M.) CONSIDER CONTESTED CONSENT CALENDAR ITEM:**

**(1-M) BILL NO. B-109 - BILL FOR INTRODUCTION AMENDING THE FRESNO MUNICIPAL CODE TO ALLOW FOR FREE PARKING FOR QUALIFIED LOW EMISSION VEHICLES (LEVs) AT METERS AND VARIOUS SELECT CITY-OWNED FACILITIES (PERMANENTLY CHANGES PRIOR ORDINANCE FOR ONE YEAR TEST PERIOD)**

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Councilmember Calhoun expressed his concerns with the ordinance stating a small number of vehicle were involved **(4 - 0)**, the city was providing a subsidy, this would open up a pandora's box, and people who could afford these higher-priced brand new LEVs were getting free parking, and stated this was not fair because people who are less affluent and have older cars are the ones who park downtown and have to pay, added this was not the way reduce pollution and congestion, the ordinance did not meet the fairness test and it sent the wrong message, and this was a lead item for other people to come forth for free parking, and made a motion to deny introduction of the ordinance. Upon call, the motion died for lack of a second.

A motion and second was made to introduce the ordinance.

Barbara Hunt, 2475 S. Walnut, spoke in opposition to the ordinance stating she concurred with Councilmember Calhoun.

Councilmember Duncan advised he was an owner of a Prius and possessed the subject permit and would abstain in the vote, and added the permit cost him \$10.00 and he used it twice and the city was still ahead about \$9.00 in fees before they had to worry about subsidizing him.

On motion of Acting President Perea, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Bill No. B-109 introduced before the Council and laid over, by the following vote:

|           |  |
|-----------|--|
| Ayes :    | Boyajian, Dages, Perea, Sterling, Castillo |
| Noes :    | Calhoun                                    |
| Absent :  | None                                       |
| Abstain : | Duncan                                     |

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**(4:30 P.M.) HISTORIC PRESERVATION - CONSIDER NOMINATIONS TO THE LOCAL REGISTER OF HISTORIC RESOURCES**

**1. RESOLUTION NO. 2004-382 - DESIGNATING BENHAM ICE CREAM COMPANY/DALE BROTHER'S COFFEE COMPANY, LOCATED AT 1420 AND 1432 "H" STREET, TO THE LOCAL REGISTER OF HISTORIC RESOURCES (Historic Preservation Commission Recommendation)**

**2. RESOLUTION - DESIGNATING BENHAM ICE CREAM COMPANY/DALE BROTHER'S COFFEE COMPANY, LOCATED AT 1420 AND 1432 "H" STREET, TO THE LOCAL REGISTER OF HISTORIC RESOURCES (Staff Recommendation - NOT ADOPTED)**

Historic Preservation Project Manager Hattersley-Drayton gave a lengthy PowerPoint presentation on the issue, including the reasons for the split between the Historic Preservation Commission and staff, all as contained in the staff report as submitted.

Speaking in support of the Historic Preservation Commission's recommendation were: Gary Malazian, 2727 W. Bluff #128; Charles Maroot, Michele Maroot, Matthew Maroot and Judi Maroot, all of 1432 "H" Street; Kristen Eaves, 487 W. Scott; Attorney Richard Harriman, 4321 N. West #106; Barbara Hunt, 2475 S. Walnut; Mabelle Selland, 1483 E. Portlands; Jeannette Jurkovich, 1130 W. Roberts; and Sam Eganamian.

Upon call, no one else wished to be heard and President Castillo closed public testimony.

Discussion ensued. Planning & Development Director Yovino responded to questions of President Castillo relative to whether there was a possibility the buildings would be handed over to a developer if they are not placed on the historic register; Councilmember Sterling spoke to the criteria to place a building on the historic register and stated the 1432 building could be considered as it met two of the criteria and explained and made a motion to approve the historic preservation commission's recommendation; and Mr. Yovino, Ms.

Hattersley-Drayton and Mr. Maroot responded to questions and/or comments of Councilmembers Duncan, Boyajian and Dages and/or clarified issues relative to why staff was not able to gain access into the building **(5 - 0)**, what staff would look for inside the building, what the building's condition was, something "not being right here" and not being fully explained to council and recommendation to postpone action until staff can enter the building and look at the interior, if going inside a building was not an issue, the argument being the integrity of the building, Steve Weils' recommendation and architectural knowledge, if the State does not have to go with the city's recommendation, it being hard to differentiate between the two buildings, and the Maroot's answer on why staff could not get into the building. Councilmember Dages gave his antique Dales Brother's Coffee can tin to Matthew Maroot as a wedding gift and stated he had a difficult time not supporting the 1432 address and would support the motion. Acting President Perea stated his support for the motion and preservation, stated he disagreed with staff on their position and added he could not see a developer coming in and tearing the building down, and urged Council to support the motion.

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On motion of Councilmember Sterling, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2004-382 as recommended by the Historic Preservation Commission hereby adopted, by the following vote:

Ayes : Boyajian, Dages, Perea, Sterling, Castillo  
 Noes : Calhoun, Duncan  
 Absent : None

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**(3:15 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 5:59 p.m. and convened in joint session with the Redevelopment Agency.

**APPROVE AGENCY MINUTES OF SEPTEMBER 21 AND 28, 2004**

On motion of President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the Agency minutes of September 21 and 28, 2004, approved as submitted.

**(5:00 P.M.) CONTINUED JOINT MEETING WITH THE REDEVELOPMENT AGENCY TO CONSIDER PLAN AMENDMENT, REZONING AND HOPE VI PROJECT MATTERS**

**1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT (E.A.) NO. A-04-17, R-04-42 (JOINT ACTION)**

**2. CONSIDER MATTERS REGARDING AMENDING TWO REDEVELOPMENT PLANS:**

**(a.) COUNCIL RESOLUTION NO. 2004-383 - ADOPTING FINDINGS IN RESPONSE TO WRITTEN OBJECTIONS TO THE ADOPTION OF THE PROPOSED AMENDMENTS AS REFLECTED BY THE 2004 AMENDED AND RESTATED SOUTHWEST FRESNO GNRA PROJECT URBAN RENEWAL PLAN**

**(b.) BILL NO. B-110 - ORDINANCE NO. 2004-108 - APPROVING THE PROPOSED PLAN AMENDMENTS AS REFLECTED BY THE 2004 AMENDED AND RESTATED SOUTHWEST FRESNO GNRA PROJECT URBAN RENEWAL PLAN (COUNCIL ACTION)**

**(c.) BILL NO. B-111 - ORDINANCE NO. 2004-109 - APPROVING THE PROPOSED PLAN AMENDMENTS AS REFLECTED BY THE 2004 AMENDED AND RESTATED FRUIT/CHURCH PROJECT REDEVELOPMENT PLAN (COUNCIL ACTION)**

**3. CONSIDER PLAN AMENDMENT APPLICATION NO. A-04-17, REZONE APPLICATION NO. R-04-42 AND, ENVIRONMENTAL FINDINGS, FILED BY DIRK POESCHEL LAND DEVELOPMENT SERVICES FOR THE HOUSING AUTHORITIES OF THE CITY AND COUNTY OF FRESNO, 94 ACRES LOCATED IN THE HOPE VI PROJECT AREA GENERALLY BOUND BY W. CALIFORNIA, FRESNO STREET AND MARTIN AVENUE ON THE NORTH, S. WALNUT TO THE EAST, W. CHURCH ON THE SOUTH, AND S. WEST AVENUE ON THE WEST (COUNCIL ACTION)**

**(a.) RESOLUTION NO. 2004-384 - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE EDISON COMMUNITY PLAN TO CHANGE THE PLANNED LAND USES IN THE HOPE VI PROJECT AREA**

**(b.) BILL NO. B-112 - ORDINANCE NO. 2004-110 - AMENDING THE OFFICIAL ZONE MAP TO REZONE VARIOUS PARCELS IN THE HOPE VI PROJECT AREA**

Chair Boyajian announced the time had arrived to consider the issue. Councilmember Sterling recused herself from the proceedings due to a conflict of interest and pursuant to the advice of the city attorney and the rules of the Political Reform Act stating her

family, the Sterling Family Trust, owned land within the project area and left the meeting at 6:01 p.m.

Upon the request of Chair Boyajian, City Attorney Montoy explained the noticed public hearing was previously held and because a written objection was received at the hearing the bodies were unable to take action pursuant to Redevelopment Law, advised the public hearing was closed, staff responded to the written objection and it was included in Council's packet, and advised the process today would be for the joint bodies to deliberate and take action. Chair Boyajian advised letters from Mr. and Mrs. Flowers had been received and entered them into the record, and clarified and reiterated public input was already held and advised the joint bodies would now deliberate.

Interim Executive Director Murphey stated since the hearing was closed on September 28<sup>th</sup> staff has continued to respond to inquiries from individuals and groups, advised staff was invited to and attended a meeting last Saturday organized by Mr. Wesley Flowers wherein staff from the Housing Authority, the city and the Agency, and Mr. Poeschel made a summary presentation and responded to questions, noted the meeting underscored one primary point -- the widespread circulation of mis-information -- and advised staff immediately resolved to strengthen and step up the Housing Authority's current community relations five year program and added there would be additional outreach on an on-

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going basis and explained, and stated the joint bodies were being asked this date to proceed with the plan amendments to be consistent with the General Plan and Edison Plan and to set the foundation to implement the Hope VI project. President Castillo left the meeting briefly during Ms. Murphey's comments.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Mitigated Negative Declaration for E.A. No. A-04-17/R-04-42, dated August 11, 2004, hereby adopted; the above entitled Resolution No. 2004-383 hereby adopted; the above entitled Bill Nos. B-110 and B-111 adopted as Ordinance Nos. 2004-108 and 2004-109; the finding of a Mitigated Negative Declaration for E.A. No. A-04-17/R-04-42, dated August 11, 2004, for P.A. A-04-17, Rezone Application No. R-04-42 and Redevelopment Plan Amendments initiated by Council Resolution No. 2004-197 and the substitution of more accurate language with regard to the mitigation measure noted in mitigation No. 1 of Section 12.0 of E.A. No. A-04-17/R-04-42, Page 21 hereby approved; the above entitled Resolution No. 2004-384 hereby adopted; and the above entitled Bill No. B-112 rezoning the subject properties adopted as Ordinance No. 2004-110, by the following vote:

|           |   |
|-----------|---|
| Ayes :    | Calhoun, Dages, Duncan, Perea, Boyajian |
| Noes :    | None                                    |
| Absent :  | Castillo                                |
| Recused : | Sterling                                |

**RECESS - 6:06 p.m. - 6:18 p.m.** All members were present.

Ms. Montoy noted there was concern and confusion over the action just taken, clarified "clean up" plan amendments were approved which would have been brought forth regardless of the Hope VI project, advised the amendments did not change any of the Agency's powers other than the land use designations, noted there was a lot of concern with eminent domain and condemning of property and clarified no action whatsoever was taken to do that, advised negotiations on an agreement would take place with the Housing Authorities as they held the \$20 million grant for purposes of using it in the west Fresno area and emphasized the agreement would be noticed, the public would have an opportunity to be heard, and the agreement would ultimately have to be approved by the governing bodies, and further clarified issues and the process relative to eminent domain and what could happen in the future.

### **(3:15 P.M. "A") APPROVE RESPONSES TO THE 2003-2004 GRAND JURY REPORT**

1. APPROVE COUNCIL COMMITTEE RESPONSES
2. APPROVE REDEVELOPMENT AGENCY RESPONSES

City Attorney Montoy clarified the Council committee's recommended responses were being presented, noted a summary of what transpired was explained in the report to the joint bodies as submitted, clarified there was an asterisk where the committee provided a different response than the originally proposed responses by staff, noted the city manager's original proposal was attached for comparison purposes, stated a decision needed to be made this date as the responses would be finalized (if any corrections are made) and filed tomorrow, and responded to questions of Chair Boyajian relative to what the significance was of the responses and the filing and if there was anything binding on anyone.

President/Committee Member Castillo spoke briefly to the committee's task, stated the committee gave more cooperative type

responses and spoke specifically to the Council infrastructure fund issue, and made a motion to approve the responses as presented. Committee Member Calhoun seconded the motion and along with Committee Member Sterling concurred with President Castillo, commented briefly, and thanked everyone involved, especially the city attorney, for their work and assistance. Councilmember Dages thanked the committee for their work and upon his question Ms. Montoy clarified the committee's report/responses were being recommended for approval including all of staff's responses that were *not* changed by the committee.

Councilmember Duncan commended the committee, expressed concern that the city attorney had to request an extension from a Superior Court Judge to file the responses and blamed that on the city manager for giving the initial responses to the Council right before the filing deadline stating he found that unacceptable, stated he was also extremely distraught that when the Redevelopment Agency responses were submitted there was an attempt by the city manager to rewrite them adding the city manager had no authority to do that, advised he would be requesting a written plan from the city manager next year on how he intends to handle the responses so the city does not have to go through the embarrassment of having the city attorney ask for an extension, and stated as a member of the Agency Board he would demand that the city manager make no attempt to rewrite the Agency's responses as that was the Agency Board's prerogative.

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Assistant City Manager Souza responded to Councilmember Duncan's comments stating relative to the Agency's responses it was more of a misunderstanding as to what the Agency did and did not submit and it was not a situation where the city manager rewrote the responses and added he did not believe that happened; relative to timing clarified this was not the first time this matter came to the Council with one week to deliberate but acknowledged the matter probably should have been presented a little earlier as there were some unique things in the report this time that were a little different and controversial; and stated staff was understanding of the situation and appreciated the city attorney's involvement and getting the extension. Upon question of Chair Boyajian, President Castillo clarified issues/responses relative to Council's \$50,000 infrastructure budgets and at-large council members.

On motion of President Castillo, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the Council Committee and Redevelopment Agency responses hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
 Noes : None  
 Absent : None

**(3:15 P.M. "B") JOINT RESOLUTION NO. 2004-385/1653 - FINDING THAT THE PROPOSED AMENDMENTS TO THE CONVENTION CENTER REDEVELOPMENT PLAN DO NOT REQUIRE ESTABLISHING A PROJECT AEA COMMITTEE, AND APPROVING AND DIRECTING FORMATION OF A CITIZENS ADVISORY COMMITTEE**

Interim Director Murphey reviewed the issue as contained in the staff report as submitted. Councilmember Sterling spoke in support of, and to the need for, a Citizens Advisory Committee and stated the committee would work closely on the Forest City and other downtown projects, and made a motion to approve staff's recommendation.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the above entitled Joint Resolution No. 2004-385/1653 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
 Noes : None  
 Absent : None

**(3:15 P.M. "C") CONSIDERATION AND DIRECTION ON REPORT BY THE AGENCY BOARD COMMITTEE REGARDING PROCESS FOR RECRUITMENT OF THE EXECUTIVE DIRECTOR**

City Attorney Montoy noted this item was tabled before and advised a motion was needed to reconsider the matter.

On motion of President Castillo, seconded by Acting President Perea, duly carried, **RESOLVED**, reconsideration of Item "C" hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Perea, Sterling  
 Noes : Dages, Duncan, Boyajian

Absent : None

Relative to the action just taken and upon question of Chair Boyajian, Ms. Montoy clarified the Agency Board did not reconsider a motion to lay something on the table but took action to reconsider a matter that had been tabled **(6 - 0)** and read the provision from Roberts Rules of Order relating thereto.

John Hutson, 3688 N. Delno, Secretary of the Building and Construction Trades for Fresno/Madera/Tulare/Kings Counties, AFL-CIO, read a statement from the Building Trades into the record relative to the Redevelopment Agency department expressing concerns with the continual "back and forth" actions on the RDA and by some members of the Agency Board on this issue stating it was sending jobs away and showed absence of leadership.

Councilmember Sterling commented on the issue and stated she changed her position on the matter after considering all the significant projects in her district and redevelopment areas, her district's unemployment rate, and the number of people that contacted her about the Roeding Business Park and elaborated, and stated a director was needed and explained and made a motion direct the Agency Board Committee to move forward with the recruitment process and start the search as soon as possible.

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Councilmember Calhoun seconded the motion and spoke to the background of the issue and to the need to replace Mr. Fitzpatrick, stated Ms. Murphey was very qualified as interim director but concurred with Councilmember Sterling that Ms. Murphey was only one person and added she, Mr. Fitzpatrick and a very qualified staff were moving the city forward, and spoke to Fresno being on the move and further in support of the issue.

Councilmember Dages stated he wanted to see Ms. Murphey have an opportunity to run the Agency to see if she could handle it stating it would be a lot less expensive than hiring someone to conduct the search, and addressed some of Councilmember Sterling's comments stating the Chinatown project was not ready yet as the agreement was way too detailed and intensive, the Roeding Business Park went back to Dan Ronquillo days where the 20,000 jobs that were promised never came through, and stated his opposition to the motion stating a new council member coming on board in January would have no input on this and there would be a \$50,000 expenditure on a consultant with an unknown funding source.

Councilmember Duncan spoke to the motion and agenda title stating as a member of the subject committee there was no report, noted a productive meeting was held and elaborated; stated the committee would be happy to issue a report on the process talked about in the meeting; stated this item and the next item would create a great problem and cost a lot of money and the Agency needed to concentrate on one or the other; stated no one worth anything will want to apply to an agency where the structure/operation is being evaluated; recommended the executive director issue be dealt with first if that is the main focus, and then allow the director to help direct the evaluation/review of best management practices; stressed any changes needed to be made properly, professionally and adequately and explained; and concluded stating to try to do both items "C" and "D" at the same time would double the financial issues and send a message to the recruitment world "to stay away from Fresno until they get their act together".

Acting President Perea stated he did not understand the hesitation in doing this and/or Item "D" stating a director was needed for stabilization. President Castillo referenced comments about outside people not wanting to come to Fresno because of starting the process for a new director and evaluating the Agency for best practices and advised he contacted Forest City and they stated they were in support of some stability and a new director so they would know who they were working with; emphasized people will be flocking to downtown and the city due to investments and increased land values; concurred Ms. Murphey was doing a wonderful job and could be the next director but stated that would not be known without beginning the recruitment process; and presented questions relative to what actions staff needed from Council today to move forward with this issue and if the committee would select the firm, with Management Analyst Zieba and Ms. Montoy responding.

Relative to comments about needing stability Chair Boyajian stated Ms. Murphey was it; stated Fresno got Forest City because of Dan Fitzpatrick and his team and stated he hated to break up the redevelopment team; stressed a director would not be found noting only three people applied for the city manager position which entailed a national search; advised he also talked with Forest City and they said the city's instability was not good for the future and added instability was being shown here; and presented questions relative to the director's salary, RDA salaries of peer cities, and if the city would be sending mixed signals if both items "C" and "D" were to pass, with Ms. Zieba and Assistant City Manager Souza responding. Relative to the cost for recruitment, President Castillo stated the salary savings of the retired director would be a good place to start.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Agency Board Committee directed to move forward with the recruitment process and start the search for an Executive Director as soon as possible, by the

following vote:

Ayes : Calhoun, Castillo, Perea, Sterling  
 Noes : Dages, Duncan, Boyajian  
 Absent : None

**(3:15 P.M. "D") ACCEPT CITY MANAGER'S OFFICE RECOMMENDATION TO RETAIN MATRIX CONSULTING GROUP/ROSENOW SPAVACEK TO CONDUCT A MANAGEMENT STUDY OF THE REDEVELOPMENT AGENCY - COUNCILMEMBER STERLING**

**1. AUTHORIZE THE AGENCY COMMITTEE TO NEGOTIATE A CONTRACT WITH MATRIX CONSULTING GROUP/ROSENOW SPAVACEK AND RETURN TO THE AGENCY BOARD FOR CONTRACT APPROVAL AND CONTRACT FUNDING**

Councilmember Sterling stated since this item was last before Council information/issues came to her attention from the Downtown Fresno Coalition that highlighted major deficiencies on the part of the Redevelopment Agency and explained; stated although she felt the Agency was doing an excellent job an audit would allow for those deficiencies to be looked at and be corrected; and made a motion to retain Matrix Consulting Group/Rosenow Spavacek to conduct a management study, which motion was seconded and later clarified and acted upon. Councilmember Calhoun spoke to the background of the issue and the process staff undertook at the direction of the majority of the Board and thanked Councilmember Sterling for bringing this issue back stating an organizational audit was the right thing to do and elaborated.

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Councilmember Duncan stated his level of confusion just increased; stated moving forward with an executive director was just approved and that was fine but stressed no candidate in his right mind would want to apply when the organizational structure was going to be looked at; stated he was also confused with this management issue now being tied to a downtown coalition group who was making some outrageous claims on things they knew nothing about; stressed this action would be a big mistake and urged the Board to hold off on this item until a new director comes on board; and stated his redevelopment self-esteem was not suffering to the point where he needed an outside person to tell him he was doing a good job as he could see it everyday walking downtown, in the financial position of the RDA, in the increased property values downtown, and in the amount of tax increment being generated after many, many years of decline.

Chair Boyajian presented questions relative to the funding source with Councilmember Sterling responding and stating she would look into the issue with staff. Upon question of City Attorney Montoy, Councilmember Sterling confirmed her motion included both parts as outlined in the above title. Ms. Montoy clarified the Agency would focus on this firm, the committee would negotiate an agreement including fees, and the committee would work with agency staff on a funding source which would then come to the Board for final action along with the contract award. Brief discussion ensued on when the committee would meet and report back.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the city manager's office recommendation to retain Matrix Consulting Group/Rosenow Spavacek to conduct a management study of the Redevelopment Agency hereby accepted, and the Agency Committee authorized to negotiate a contract with said firm and return to the Agency board for contract approval and contract funding, by the following vote:

Ayes : Calhoun, Castillo, Perea, Sterling  
 Noes : Dages, Duncan, Boyajian  
 Absent : None

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## **ADJOURNMENT**

There being no further business to bring before the joint bodies, the hour of 7:30 p.m. having arrived and hearing no objections, Chair Boyajian declared the joint meeting and the City Council meeting adjourned.

**APPROVED** on the \_\_\_\_\_ 26th \_\_\_\_\_ day of \_\_\_\_\_ October \_\_\_\_\_, 2004.

\_\_\_\_\_/s/\_\_\_\_\_  
 Tom Boyajian, Agency Chairman

ATTEST: \_\_\_\_\_/s/\_\_\_\_\_  
 Yolanda Salazar, Assistant City Clerk

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